

**Nebraska Producer's Examination for
Title Insurance
Series 13-16
50 questions (plus 5 unscored items)
1-hour time limit**

1.0 Insurance Regulation

12%

1.1 Licensing

Process (44-4052, 4053)

Types of licensees (44-4054)

Producers (44-4049, 4054)

Resident versus nonresident (44-19, 109; 4055, 4063)

Temporary (44-4058)

Maintenance and duration

Renewal (44-4054)

Name or address change (44-4054(8))

Reporting of actions (44-4065)

Assumed names (44-4057)

Continuing education requirements including ethics education (44-3901–3908)

Disciplinary actions

Right to hearing (44-4059(4))

Suspension, revocation or refusal to issue or renew (44-4059)(2)

Fines (44-4059(4)), (44-19, 102)

Cease and desist order (44-1529, 1542, 44-19, 120.01)

1.2 State regulation

Director's general duties and powers (44-101.01)

Company regulation

Certificate of authority (44-303)

Capital and surplus requirements (44-214, 305)

Unfair claims settlement practices (44-1539, 1540; Reg Ch 60)

Examination of books and records (44-19, 110, 117; 44-1527, 5904, 5905)

Appointment (44-4061)

Termination of appointment (44-4062)

Unfair trade practices complaint register (44-1525(9); Reg Ch 21)

Producer regulation

Sharing commissions (44-4060)

Controlled business (44-19, 112, 113; 44-361.01, .02)

Prohibited fees or charges (44-354)

Records retention (44-19,100; 44-5905; Reg Ch 34)

Unfair trade practices

Misrepresentation (44-1525(1))

False advertising (44-1525(2))

Defamation of insurer (44-1525(3))

Boycott, coercion or intimidation (44-1525(4))

Unfair discrimination (44-1525(7))

Rebating (44-19,111)

Insurance Fraud Act (44-6601–6608)

Privacy of Insurance Consumer Information Act (44-901–925)

1.3 Federal regulation

Fair Credit Reporting Act (15 USC 1681–1681d)

Fraud and false statements

2.0 General Insurance

8%

2.1 Concepts

Risk management key terms

Risk

Exposure

Hazard

Peril

Loss

Methods of handling risk

Avoidance

Retention

Sharing

Reduction

Transfer

Elements of insurable risks

Adverse selection

Insurable interest

Law of large numbers

Reinsurance

2.2 Producers and general rules of agency

Insurer as principal

Producer/insurer relationship

Authority and powers of licensees

Express

Implied

Apparent

Responsibilities to the applicant/insured

2.3 Contracts

Elements of a legal contract

Offer and acceptance

Consideration

Competent parties

Legal purpose

Distinct characteristics of an insurance contract

Contract of adhesion

Aleatory contract

Personal contract

Unilateral contract

Conditional contract

Legal interpretations affecting contracts

Ambiguities in a contract of adhesion

Reasonable expectations

Indemnity

Utmost good faith

- Representations/misrepresentations
- Warranties
- Concealment
- Fraud
- Waiver and estoppel

3.0 Real Property

26%

3.1 Concepts, principles and practices

- Definition of real property
- Types of real property
- Title to real property
- Marketable title

3.2 Acquisition and transfer of real property

- Conveyances
- Encumbrances
- Adverse possession
- Condemnation
- Accession
- Dedication
- Escheats
- Involuntary alienation
- Abandonment
- Judicial sales
- Decedent's estates
 - Intestate
 - Testate
- Trusts
- Wills
- Types of joint ownership
 - Tenants in common
 - Joint tenancy
- Acknowledgments
- Legal capacity of parties
 - Individuals
 - Corporations
 - General partnerships
 - Limited partnerships
 - Fictitious names
 - Trust agreements
 - Limited Liability Company (LLC)

3.3 Legal descriptions

- Types of legal descriptions
- Types of measurements used
- Language of legal descriptions
- Structure and format
- Interpretation

3.4 Escrow principles

- Escrow terminology
- Types of escrows

- Escrow contracts
- Fiduciary responsibilities of escrow agents

3.5 Recording

- Types of records
- Types of recording systems
- Requirements to record
- Recording steps
- Acknowledgments
- Presumptions

3.6 Title insurance

- Security interests

4.0 Title Insurance

30%

4.1 Title insurance principles

- Risks covered by title insurance
 - Risk of error in public records
 - Hidden off-record title risks
 - Risk of omission and commission by agent
- Entities that can be insured; need for insurance
 - Individual
 - Commercial
- Interests that can be insured
 - Fee simple estates
 - Leasehold estate
 - Life estate
 - Easements
- Title insurance forms
 - Commitments
 - Owner's policy
 - Loan policy
 - Leasehold policy
- Title insurance policy structure and provisions
 - Insuring provisions
 - Schedule A
 - Schedule B — Exceptions from coverage
 - Exclusions from coverage
 - Conditions and stipulations
 - Endorsements
- Rates and premiums

4.2 Title searching techniques

- Hard copy index
- Computer index
- Chain sheet

5.0 Title Exceptions and Procedures for Clearing Title

24%

5.1 Principles and concepts

- General exceptions
- Voluntary and involuntary liens
- Federal liens

- Deeds of trust
- Judgments
- Taxes and assessments
- Surveys
- Condominiums
- Water rights
- Mineral rights
- Equitable interests
- Attachments
- Executions
- Covenants
- Conditions
- Restrictions

5.2 Special problem areas and concerns

- Acknowledgments
- Mechanic's lien
- Bankruptcy
- Probate
- Good faith
- Foreclosure
- Forfeiture
- Claims against the title
- Lis pendens

5.3 Principles of clearing title

- Releases
- Assignments
- Subordinations
- Affidavits
- Reconveyances

5.4 Settlement or closing procedures

- Real Estate Settlement Procedures Act (RESPA)
- Insured closing protection
- Escrow account rules